

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

CHRISTOPHER BEY,

Plaintiff,

v.

Case No. 2:06-cv-243

HON. ROBERT HOLMES BELL

TIMOTHY LUOMA, et al.,

Defendants.

---

**OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S**

**REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on February 20, 2008. The Report and Recommendation was duly served on the parties. The Court has received objections from plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #54) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that defendants' motions to dismiss (Docket #21 and #45) are DENIED.

IT IS FURTHER ORDERED that defendants' motion to dismiss (Docket #24) is GRANTED, thereby dismissing defendants Bennett, Hemmela, VanAlstine, Kemp, Menard, Pelto,

Hill, Beauchamp, Turner, Besner and Ekdahl without prejudice for failure to exhaust grievance remedies.

FINALLY, IT IS ORDERED that plaintiff's Notice of Appeal (Docket #55) is DENIED.

Date: March 18, 2008

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE